

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 26TH OCTOBER 2006 / 4TH KARTHIKA 1928

Bail Appl..No. 6341 of 2006

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CRIME NO.745/2006 OF TIRUR POLICE STATION

APPLICANTS/ACCUSED NOS.1 AND 2

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1. NAUSHAD, S/O. ABOOBACKER,  
PALLATH HOUSE, PACHATTIRI AMSOM,  
PARAVANNA, ARIKKANCHIRA.
  2. ABOOBACKER, S/O. HASSANAR,  
PALLATH HOUSE, PACHATTIRI AMSOM,  
PARAVANNA, ARIKKANCHIRA.

BY ADV. SRI.P.VIJAYA BHANU  
SRI.PRASUN.S

RESPONDENTS: COMPLAINANT

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STATE OF KERALA, REPRESENTED BY  
THE PUBLIC PROSECUTOR,  
HIGH COURT OF KERALA, ERNAKULAM, REPRESENTING  
S.I. OF POLICE, TIRUR POLICE STATION.

BY PUBLIC PROSECUTOR JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION  
ON 26/10/2006, THE COURT ON THE SAME DAY PASSED THE  
FOLLOWING:

**J.M.JAMES, J.**

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**B.A. 6341/2006**  
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**DATED THIS THE 26TH DAY OF OCTOBER, 2006**

**O R D E R**

The first petitioner got married with the defacto complainant on 7.5.2006. But they could not sustain the warmth and love of the marriage as, it is alleged, that the first petitioner, first accused husband, had assaulted the defacto complainant, his wife, while she was pregnant for three months. Therefore, at her instance, the complaint had been lodged and crime No.745/2006 of Tirur Police Station was registered, for the offence punishable under Section 498A IPC read with Section 34 IPC. The petitioners are now before this Court, for a pre-arrest order.

2. After hearing both sides and considering the materials that are placed before me, I direct the first petitioner, first accused, Naushad, to surrender before the Investigating Officer, who is investigating crime No.745/2006 of Tirur Police Station, on 3.11.2006 between 9.30 a.m and 10.00 a.m.

3. The Investigating Officer shall interrogate the first petitioner and thereafter, produce him before the Court below, as per the law.

4. The learned Magistrate, on production of the first petitioner, first accused, shall hear both sides and pass appropriate orders, on merit. If no custodial application is filed, the petitioner shall be released on bail, imposing such conditions, as are deemed necessary.

5. In the event of the arrest of the second petitioner, second accused, Aboobacker, he shall be released on bail, on he executing a bond for Rs.15,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Investigating Officer, arresting him.

6. The second petitioner shall report before the Investigating Officer, as and when required, till the completion of the investigation.

The application is disposed of as above.

**J.M.JAMES  
JUDGE**

mrCS